

UNITED STATES DISTRICT COURT

Middle District of Alabama

Heather Watts

Heather Watts

BILL OF COSTS

V.

Hospitality Ventures, LLC

Case Number: 2:06-cv-01149-MEF

Judgment having been entered in the above entitled action on 1/25/2008 against Heather Watts,
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ 40.00
Fees for service of summons and subpoena	
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	1,883.25
Fees and disbursements for printing	
Fees for witnesses (itemize on page two)	0.00
Fees for exemplification and copies of papers necessarily obtained for use in the case	208.45
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	
Other costs (please itemize)	
TOTAL	\$ 2,131.70

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.
- ☐ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney: /s/ R. Jason D'Cruz

Name of Attorney: R. Jason D'Cruz

For: Hospitality Ventures, LLC

Date: 2/6/2008

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By: _____
Deputy Clerk

Date

(Rev. 8/06) Bill of Costs

UNITED STATES DISTRICT COURT

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$0.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION**

HEATHER WATTS,

Plaintiff,
v.

HOSPITALITY VENTURES, LLC,

Defendant.

CASE NO. 2:06-cv-1149-MEF

AFFIDAVIT OF R. JASON D'CRUZ

BEFORE ME, the undersigned authority, personally appeared R. Jason D'Cruz, Esq., who, upon being duly sworn, deposes and says:

1.

I am over 21 years of age, and I make the statement in this Affidavit based upon my own personal knowledge, information and belief.

2.

I am one of the principal attorneys for the Defendant in the above-captioned matter.

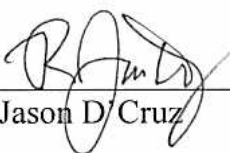
3.

I am currently a partner of the law firm of Morris, Manning & Martin, L.L.P., 1600 Atlanta Financial Center, 3343 Peachtree Road, NE, Atlanta, Georgia 30326.

4.


As one of the principal attorneys in the above-captioned matter, I have personal knowledge of the facts relative to those costs and disbursements reflected on the Bill of Costs filed together herewith; and that the items reflected in the above Bill of Costs are correct, and have been necessarily incurred in said cause; and that the services charged therein have been actually and necessarily performed as therein stated.

FURTHER AFFIANT SAYETH NOT.



R. Jason D. Cruz

Sworn to and subscribed before me
this 6th day of February, 2008.



Notary Public

My Commission expires: 10-19-10



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ITEMIZATION OF COSTS

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I. Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case.

<u>Date</u>	<u>Amount</u>	<u>Description</u>
08/06/07	\$1390.85	Deposition of Heather Watts
08/06/07	\$238.70	Deposition of Roger A. Miller
01/10/08	\$253.70	Deposition of Todd B. Epplin
Sub Total I	\$1883.25	

II. Fees for exemplification and copies of papers necessarily obtained for use in the case.

A. Court Filings:

<u>Date</u>	<u>Pages</u> ¹	<u>Cost</u> ²	<u>Description</u>
01/24/07	4	\$0.60	Consent Motion For Extension Of Time To File Answer
01/24/07	4	\$0.60	Defendant's Motion To Appear Pro Hac Vice
03/02/07	12	\$1.80	Defendant's Answer To Complaint
03/02/07	3	\$0.45	Defendant's Corporate Disclosure Statement
03/23/07	4	\$0.60	Defendant's First Interrogatories To Plaintiff
03/23/07	5	\$0.75	Defendant's First Request For Production Of Documents To Plaintiff
03/23/07	3	\$0.45	Defendant's Notice Of Deposition For Heather Watts
03/26/07	62	\$9.30	Defendant's Motion For Partial Summary Judgment

¹ Copies of each document entail one file copy for Defendant's counsel, to satisfy applicable professional standards.

² Costs for copies are sought at a rate of \$0.15 per page for "in-house" and \$0.25 for commercial reproduction, consistent with the rates authorized by the U.S. Court of Appeals for the Eleventh Circuit.

Heather Watts v. Hospitality Ventures, LLC, USDC, Middle Dist. of AL, Case#2:06-CV-01149

ITEMIZATION OF COSTS
PAGE 2 OF 4

03/26/07	6	\$0.90	Defendant's Brief/Memorandum in Support
04/06/07	5	\$0.75	Defendant's Initial Disclosures
04/11/07	3	\$0.45	Defendant's Report of Rule 26(f) Planning Meeting
04/20/07	9	\$1.35	Defendant's Reply Brief Re Motion For Partial Summary Judgment, Motion For Discovery
06/15/07	4	\$0.60	Defendant's Subpoena for Green Gate School
06/15/07	4	\$0.60	Defendant's Subpoena for Taylor Road Baptist
06/28/07	102	\$15.30	Defendant's Response In Opposition Re Emergency Motion For Protective Order And Motion For Sanctions, Motion For Sanctions , And Counter-Motion For Sanctions
07/10/07	14	\$2.10	Defendant's Response to Plaintiff's First Request for Production of Documents
07/16/07	13	\$1.95	Defendant's Subpoena for Partners in Pediatrics
07/16/07	13	\$1.95	Defendant's Subpoena for OBGYN Associates
08/30/07	23	\$3.45	Defendant's Reply To Response To Motion Re Motion For Partial Summary Judgment Filed
09/12/07	203	\$30.45	Defendant's Motion for Summary Judgment
10/12/07	103	\$15.45	Defendant's Reply Brief Re Evidentiary Submission, Brief/Memorandum In Opposition, Brief/Memorandum In Support, Motion For Summary Judgment
11/07/07	143	\$21.45	Defendant's Response In Opposition Re Motion For Protective Order, Motion To Strike Affidavits Of Undisclosed Witnesses In Their Entirety And Plaintiff's Motion For Protective Order Pursuant To Frcp 37 To Exclude Any Testimony Or Reference To The Testimony Of Karen Kish And Carol Twardoch
01/23/08	5	\$0.75	Defendant's Exhibit List and Witness List
01/23/08	3	\$0.45	Defendant's Deposition Designations
Subtotal II (A)		\$112.45	

Heather Watts v. Hospitality Ventures, LLC, USDC, Middle Dist. of AL, Case#2:06-CV-01149

ITEMIZATION OF COSTS
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B. Documents Produced to Plaintiff:

<u>Production Date</u>	<u>Pages</u>	<u>Cost</u>	<u>Documents Produced</u>
01/23/07	16	\$2.40	Documents Produced by Defendant Bates MV 00001- MV00016
07/10/07	159	\$23.85	Documents Produced by Defendant Bates MV 00017- MV00026 and MV 00029- MV00177
07/13/07	280	\$42.00	Documents Produced by Defendant Bates MV 00027- MV00028 and MV 00178- MV00455
08/20/07	185	\$27.75	Documents Produced by Defendant Bates MV 00456- MV00640
Subtotal II (B)		\$96.00	

C. Filing & Service Fees:

<u>Date</u>	<u>Cost</u>	<u>Description</u>
01/26/07	\$20.00	Pro Hac Vice Filing Fee for Jason D'Cruz
01/26/07	\$20.00	Pro Hac Vice Filing Fee Daniel Fellner
Subtotal II (C)	\$40.00	

ITEMIZATION OF COSTS
PAGE 4 OF 4

Sub Total II (A) + (B) + (C) = \$248.45

Total of I (\$1883.25) + Total of II (\$248.45) = \$2131.70

The undersigned Counsel of record for Defendant, Hospitality Ventures, LLC, hereby certifies that the foregoing costs were incurred as a consequence of this lawsuit.

This 6th day of February, 2008.

Respectfully submitted,

Jeffrey A. Lee
Maynard, Cooper & Gale, P.C.
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2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2618
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s/ R. Jason D'Cruz
R. Jason D'Cruz
Admitted Pro Hac Vice
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Attorneys for Hospitality Ventures, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION

Heather Watts,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06CV1149-MEF
)	
Hospitality Ventures, LLC,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I certify that this day I electronically filed the foregoing "Bill of Costs" with the Clerk of the Court using the CM/ECF system, which will notify:

Priscilla Black Duncan
P.B. Duncan & Associates
472 S. Lawrence, Suite 204
Montgomery, AL 36104
helzphar@mindspring.com

Alicia K. Haynes
Haynes & Haynes, P.C.
1600 Woodmere Drive
Birmingham, Alabama 35226
akhaynes@haynes-haynes.com

This 6th day of February, 2008.

s/ R. Jason D'Cruz
Attorney for Hospitality Ventures, LLC